

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

HARBAR CONSTRUCTION, INC., )

Plaintiff, )

vs. ) CV 10-TMP-1931-S

NATIONWIDE MUTUAL )  
INSURANCE COMPANY, )

Defendant. )

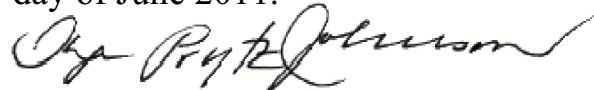
**ORDER**

Pending before the court is defendant's motion to dismiss (doc. 3). On May 27, 2011, the magistrate judge recommended that the motion be granted.

Having carefully reviewed *de novo* the entire court file, including the report and recommendation, and the objections thereto, the undersigned is of the opinion that the magistrate's recommendation should be, and hereby is, ACCEPTED and ADOPTED. It is hereby ORDERED, ADJUDGED, and DECREED that defendant's motion to dismiss be and hereby is GRANTED. It is therefore ORDERED that plaintiff's claims against Nationwide Mutual Insurance Company be and hereby are DISMISSED WITH PREJUDICE.

This case remains assigned to Magistrate Judge Putnam for subsequent proceedings.

**DONE** and **ORDERED** this 30<sup>th</sup> day of June 2011.



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INGE PRYTZ JOHNSON  
U.S. DISTRICT JUDGE

